IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1313 OF 2006
IN
WRIT PETITION NO.6293 OF 2005

Devika Sitaram Gangavane ..Applicant.
Vs.
State of Maharashtra & Ors. ..
Respondents.

....

Mr. R.K. Mendadkar for the Applicant.
Mr. V.P. Malwankar, Assistant Government Pleader for Respondent No.4.
Mr. D.A. Nalawade for Respondent No.6.

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CORAM: KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

28th April, 2006.

P.C. :

Having heard the learned counsel appearing for the parties and perused the contention of the Application, the Petitioner is permitted to implead Respondent No.7 as a party Respondent in Writ Petition 6293 of 2005. In view of the fact that the Petitioner seeks to challenge the issue regarding her caste claim of belonging to the Thakar Community, and the Petitioner has also cleared the First Semester of BDS Degree Course, we permit the Petitioner to appear for the Second Semester of the BDS Degree Course and

also direct the Respondents to declare the result of the First Semester. It is, however, made clear that this direction shall be subject to the final order by the Apex Court. In the event of the caste claim of the Petitioner being rejected, the Petitioner will not claim any equity and the entire performance shall be liable to be treated as null and void. The Petitioner shall file an undertaking in the aforesaid terms before the Court within a week from today with a copy to the MUHS. It is made clear that the Petitioner shall be permitted to appear for the Second Semester examination only after his filing an undertaking to the MUHS, & before this Court.

The Application stands disposed of.

CHIEF JUSTICE

(DR. D.Y. CHANDRACHUD, J.)